

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Case No.: 5:16-cv-10444-JEL-MKM
(consolidated)

Hon. Judith E. Levy
Magistrate Judge Mona K. Majzoub

**ORDER REGARDING DISCOVERY ISSUES ADDRESSED
DURING SEPTEMBER 4, 2019 TELEPHONIC
STATUS CONFERENCE**

On September 4, 2019, the Court held a telephonic hearing to address certain discovery issues raised by Class Plaintiffs. Pursuant to the Court's order as set forth during that telephonic hearing, the Court hereby Orders as follows:

1. Class Plaintiffs have proposed additional search terms to be run by the VNA Defendants. The VNA Defendants will provide Class Plaintiffs with a count of the documents responsive to these proposed search terms no later than 12:00 p.m. on Thursday, September 12, 2019. This count should

provide information sufficient to determine approximately how many documents would hit on each term, including terms separated by “OR.” Class Plaintiffs will then inform the VNA Defendants whether they continue to seek production of documents responsive to those proposed terms or modified versions of those terms. If the parties reach an impasse with respect to the use of Class Plaintiffs’ proposed search terms, they will notify the Court in advance of the time set aside by the Court to address further discovery disputes on September 18, 2019.

2. The VNA Defendants will use January 31, 2017 as an end-date limitation for its ESI search protocol. For searches already run, the VNA Defendants will conduct an additional search and produce documents created up until January 31, 2017. Class Plaintiffs may seek to extend the end-date limitation beyond January 31, 2017, upon a showing that doing so would likely lead to the discovery of relevant information and be proportional to the needs of the case. The VNA Defendants may provide a categorical privilege log for

any privileged documents or communications created on or after February 16, 2016 and required to be logged pursuant to the Case Management Order.

3. Class Plaintiffs have requested that the LAN Defendants produce electronic documents and communications responsive to Class Plaintiffs' RFPs from the following additional custodians: Charles Lawrence, Ozzie Garza, Bob Card, Jason Warren, and Samuel LePore. LAN has agreed to produce electronic documents and communications from Charles Lawrence. With respect to the remaining four requested custodians, the parties will meet and confer no later than Friday, September 6, 2019. If the parties reach an impasse with respect to these additional custodians, they will notify the Court prior to the time set aside by the Court to address any additional discovery matters on September 18, 2019.

4. The City of Flint and Class Plaintiffs will meet and confer no later than September 11, 2019, to discuss the electronic search protocol used by the City of Flint for their production

in response to Class Plaintiffs' RFPs. Prior to the meet and confer, the City of Flint will provide Class Plaintiffs with an email setting forth the search terms or other search protocol used for their productions in response to Class Plaintiffs' RFPs.

IT IS SO ORDERED.

Dated: September 6, 2019
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge